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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Bolivia (Plurinational State of), Cuba, Dominican Republic,* Ecuador,* Egypt,* El Salvador, Haiti,* Honduras,* Morocco, Namibia, Nicaragua,* Panama,* Paraguay, Peru,* State of Palestine,* Thailand,* Tunisia,* United States of America, Venezuela (Bolivarian Republic of): draft resolution

29/... Unaccompanied migrant children and adolescents and human rights

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Discrimination in Education, the 1951 Convention relating to the Status of Refugees and

* Non-member State of the Human Rights Council.

the 1967 Protocol thereto and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Recalling also previous resolutions of the General Assembly, in particular resolution 69/187 of 18 December 2014, adopted by consensus, and of the Human Rights Council, on the protection of the human rights of migrants, and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, Commission on Population and Development resolution 2013/1 of 26 April 2013, entitled "New trends in migration: demographic aspects," and the Declaration of the High-level Dialogue on International Migration and Development, adopted on 3 October 2013,

Taking into account the attention paid by the treaty bodies, including the Committee on the Rights of the Child, to the treatment of unaccompanied and separated children outside their country of origin and their enjoyment of human rights, including in its general comment No. 6 (2005), as well as the general discussion of the Committee in 2012 on the rights of all children in the context of international migration,

Expressing serious concern about the situation of vulnerability and risk faced by migrants in transit and destination, in particular children, including adolescents, who are unaccompanied or separated from their families, who are forced to flee or decide to leave their homelands owing to multiple causes, and calling upon States of origin, transit and destination to work together to find effective and sustainable solutions within a framework of solidarity and regional and international cooperation,

Concerned by the fact that migrant children and adolescents, who find themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, may be exposed to serious human rights violations and abuses that can threaten their physical, emotional and psychological well-being, and may also be exposed to crimes and human rights abuses committed by transnational criminal organizations or gangs, including crimes such as theft, kidnapping, extortion, physical abuse, sale of persons and trafficking in persons, including forced labour, and sexual abuse and exploitation,

Mindful of the fact that, in the fulfilment of their obligations to promote, protect and respect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

1. *Calls upon* countries of origin, transit and destination to facilitate family reunification, as appropriate, as an important objective in order to promote the welfare and the best interests of migrant children, including adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations so that States may provide child-friendly consular assistance, as appropriate, including legal assistance;

2. *Encourages* States to continue to take into account the principle of the best interests of the child as a primary consideration, and to promote, protect and respect their human rights, bearing in mind their needs in the process of return to their countries of origin;

3. *Encourages* States of origin, transit and destination to continue to seek greater cooperation and technical assistance with all relevant stakeholders in different areas in order to identify jointly alternatives to reduce, mitigate and eliminate the causes and structural factors that lead to irregular migration so as to prevent minors from feeling compelled to migrate from their communities, while taking into account the need to promote capacity-building activities;

4. *Requests* the Advisory Committee to develop a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights, in which it identifies areas, reasons and cases where this issue arises in the world, and the ways in which human rights are threatened and violated, and makes recommendations for the protection of the human rights of members of this population, and to submit it to the Human Rights Council at its thirty-third session for its consideration;

5. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by taking steps to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

6. *Requests* special procedures of the Human Rights Council, within their mandates, to continue to give due consideration to the situation of unaccompanied migrant children, including adolescents, and the impact of this issue on the full enjoyment of their human rights, and to continue to report thereon;

7. *Decides* to remain seized of the matter.